

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SCOTT MARTIN ROETTGER,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:11-cv-00822

CATHLEEN M. ROETTGER,

Defendant.

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**REPORT AND RECOMMENDATION**

Plaintiff initiated this matter on August 8, 2011, against Cathleen M. Roettger. Having granted Plaintiff's motion to proceed as a pauper, the Court has conducted an initial review of the complaint pursuant to 28 U.S.C. § 1915(e)(2) to determine whether it is frivolous, malicious, or fails to state a claim upon which relief can be granted. Having conducted this initial review, the Court concludes that Plaintiff's complaint must be dismissed for failure to state a claim upon which relief may be granted.

When evaluating a complaint under Rule 12(b)(6), the Court may consider the complaint and any exhibits attached thereto, public records, and items appearing in the record of the case. *See Bassett v. National Collegiate Athletic Assoc.*, 528 F.3d 426, 430 (6th Cir. 2008); *see also*, *Continental Identification Products, Inc. v. EnterMarket, Corp.*, 2008 WL 51610 at \*1, n.1 (W.D. Mich., Jan. 2, 2008) ("an exhibit to a pleading is considered part of the pleading" and "the Court may properly consider the exhibits. . .in determining whether the complaint fail[s] to state a claim upon which relief may be granted without converting the motion to a Rule 56 motion"); *Stringfield*

*v. Graham*, 212 Fed. Appx. 530, 535 (6th Cir. 2007) (documents “attached to and cited by” the complaint are “considered parts thereof under Federal Rule of Civil Procedure 10(c)”).

Plaintiff’s allegations relate to state court proceedings and child protective services and other domestic issues over which this court has no jurisdiction. Evaluated pursuant to the aforementioned standard, the Court concludes that the facts alleged in Plaintiff’s complaint, even if accepted as true, present no basis for a federal court exercise of jurisdiction. Accordingly, the undersigned recommends that Plaintiff’s claims be dismissed with prejudice.

### **CONCLUSION**

For the reasons articulated herein, the undersigned recommends that Plaintiff’s complaint be **dismissed** for failure to state a claim upon which relief may be granted.

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen (14) days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court’s order. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir.1981).

Date: August 15, 2011

/s/ Ellen S. Carmody  
ELLEN S. CARMODY  
United States Magistrate Judge